

01/28/02

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Alsius Docket No:
001/062 USA

UTILITY PATENT APPLICATION TRANSMITTAL

(Small Entity)

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

JC997 U.S. PTO
10/057334
01/23/02

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new **utility** patent application for an invention entitled:

CENTRAL VENOUS CATHETER WITH HEAT EXCHANGE MEMBRANE

and invented by:

Anthony C. Aliberto; Scott M. Evans; William J. Worthen

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☒ **Divisional** ☐ Continuation-in-part (CIP) of Prior Application No.: 09/305,613

Which is a:

☐ Continuation ☐ Divisional ☒ **Continuation-in-part (CIP)** of Prior Application No.: 09/253,109

Which is a:

☐ Continuation ☐ Divisional ☒ **Continuation-in-part (CIP)** of Prior Application No.: 09/063,984
now issued as U.S. Patent No. 6,126,684

Enclosed are:

APPLICATION ELEMENTS

1. ☒ Filing fee as calculated and transmitted as described below

APPLICATION ELEMENTS (CONTINUED)

2. ☒ Specification having 15 pages and including the following:
- a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (*if applicable*)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (*if applicable*)
 - d. ☐ Reference to Microfiche Appendix (*if applicable*)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (*if drawings filed*)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure
3. ☒ Drawing(s) (*when necessary as prescribed by 35 U.S.C. 113*) **Number of Sheets: 2**
- a. ☒ Formal
 - b. ☐ Informal
4. ☐ Oath or Declaration
- a. ☒ Newly executed (*original copy*) ☐ Unexecuted
 - b. ☐ Copy from a prior application (37 C.F.R. 1.63(d))
(*for continuation/divisional application only*)
 - c. ☒ With Power of Attorney ☐ Without Power of Attorney
 - d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (*usable if Box 4b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission (*if applicable, all must be included*)
- a. ☐ Paper Copy
 - b. ☐ Computer Readable Copy
 - c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

ACCOMPANYING APPLICATION PARTS

8. ☒ Assignment Papers (*cover sheet & documents*)
9. ☐ 37 C.F.R. 3.73(b) Statement (*when there is an assignee*)
10. ☐ English Translation Document (*if applicable*)
11. ☐ Information Disclosure Statement /PTO 1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment Postcard
14. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (Specify Label No.): **EV 032073066 US**
15. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16. ☐ Small Entity Statement(s)-Specify Number of Statements Submitted: _____
17. ☒ Additional Enclosures (*please identify below*):

Two Checks

18. ☐ Request That Application Not Be Published Pursuant to 35 U.S.C. 122(b)(2)

Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

FEE CALCULATION AND TRANSMITTAL

☒ Applicant claims small entity status pursuant to 37 CFR § 1.27

CLAIMS AS FILED:						
<i>For</i>	<i># Filed</i>	<i># Allowed</i>	<i># Extra</i>	<i>Rate</i>	<i>Fee</i>	
Total Claims	10	-	20 = 0	x \$9.00	\$0.00	
Independent Claims	2	-	3 = 0	x \$42.00	\$0.00	
Multiple Dependent Claims	\$280	(check if applicable) <input type="checkbox"/>			\$0.00	
BASIC FILING FEE					\$370.00	
Other Fee (<i>specify purpose</i>)	Recordation of Assignment			\$40.00		
TOTAL FILING FEE					\$410.00	

- ☒ Two checks totaling the amount of **\$400.00** to cover the filing fees are enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **501167** as described below. **A duplicate copy of this sheet is enclosed.**
- ☒ Charge the amount of **\$10.00** as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 1/23/02

Arlyn L. Alonzo Esq.
Arlyn L. Alonzo Esq.
Reg. No. 44,502



29554

PATENT TRADEMARK OFFICE

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this document, together with any papers described as attached or enclosed, is being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date shown below and is addressed to Box Patent Applications, United States Patent & Trademark Office, Assistant Commissioner for Patents, Washington, D.C. 20231.

EV 032073 066 VS

Express Mail Label No.

1/23/02

Date of Deposit

Kami Leonard

Name of Person Mailing Paper

Kami Leonard

Signature of Person Mailing Paper